

REMARKS

Status of pending claims

Claims 1-34 were originally filed in this patent application. Sixteen claims, claims 15-23 and 29-35, have been cancelled. Nine claims, claims 35-43, have been added. Therefore, no additional claims fee is due.

Prior art claim rejections

Claims 1, 2, and 6-10 have been rejected under 35 USC 102(e) as being anticipated by Menas (7,514,814). Claims 3-5, 11-14, and 24-28 have been rejected under 35 USC 103(a) as being unpatentable over Menas. Claims 29-34 have been rejected under 35 USC 103(a) as being unpatentable over Menas in view of Stanesti. Claims 1, 11, and 24 are independent claims, from which claims 2-10, 12-14, and 25-28 depend.

Applicant respectfully submits that claims 1, 11, and 24 as amended are patentable over Menas under 35 USC 102(e) and under 35 USC 103(a). As such, claims 2-10, 12-14, and 25-28 are patentable at least because they depend from patentable base independent claims. Claims 29-34 have been cancelled.

Applicant has amended independent claim 1, 11, and 24 to better specify the decoder circuit of these claims. In particular, the decoder circuit is “one of” a first decoder circuit, a second decoder circuit, and a third decoder circuit, each of which is recited with specificity in the claims. The first decoder circuit corresponds to FIG. 5 of the patent application, the second decoder circuit corresponds to FIG. 6 of the patent application, and the third decoder circuit corresponds to FIG. 7 of the patent application.

None of the first, second, and third decoder circuits are disclosed in Menas, such that Menas does not anticipate independent claims 1, 11, and 24 under 35 USC 102(e). Furthermore, Applicant respectfully submits that the first, second, and third decoder circuits as specifically claimed in the independent claims are not well known to those of ordinary skill within the art, nor

would it have otherwise been obvious to modify the decoder circuit of Menas to include the first, second, or third decoder circuit. As such, Menas does not render independent claims 1, 11, and 24 obvious and unpatentable under 35 USC 103(a).

New claims 35-43

Claims 35-43 have been added, and depend from independent claims 1, 11, and 24. It is noted that independent claims 1, 11, and 24 recite “one of” the first, second, and third decoder circuits. Thus, if the Examiner finds in the prior art just the first decoder circuit, just the second decoder circuit, *or* just the third decoder circuit, then this renders independent claims unpatentable under 35 USC 102 or under 35 USC 103.

To force the Examiner to find *all* of the first, second, and third decoder circuits in the prior art, therefore, Applicant has introduced claims 35-43. Claims 35-37 specify that the decoder circuit is particularly the *first* decoder circuit; as such, the prior art would have to show the first decoder circuit to read on claims 35-37. Likewise, claims 38-40 specify that the decoder circuit is particularly the *second* decoder circuit; as such, the prior art would have to show the second decoder circuit to read on claims 38-40. Similarly, claims 41-43 specify that the decoder circuit is particularly the *third* decoder circuit; as such, the prior art would have to show the third decoder circuit to read on claims 41-43.

Furthermore, Applicant would like to secure allowance of this patent application as expeditiously as possible. Therefore, if the Examiner, say, finds the *first* decoder circuit in the prior art but not the *second* or *third* decoder circuits, then Applicant would like to amend the independent claims to remove recitation of the first decoder circuit and to cancel dependent claims 35-37 that recite the first decoder circuit. As another example, if the Examiner finds the second and the third decoder circuits in the prior art, but not the first decoder circuit, then Applicant would like to amend the independent claims to remove recitation of the second and third decoder circuits, and to cancel all dependent claims 35-43.

Applicant hopes that such amendments could be entered via Examiner's amendment, and in this respect, encourages the Examiner to contact Applicant's representative, Mike Dryja, at the phone number listed below if he is unable to locate all three of the first, second, and third decoder circuits, as claimed, in the prior art. Furthermore, Applicant is amenable to adding other subject matter into the independent claims to secure allowance, and in this respect the Examiner is encouraged to contact Applicant's representative with any and all suggested claim language that if added to the independent claims would result in allowance of the present patent application. Applicant would thus like for the remaining prosecution process in this patent application to be cooperative, and not adversarial.¹

¹ Applicant notes in this respect that it is the Examiner's obligation to engage Applicant to resolve patentability issues as expeditiously as possible, and that the Examiner shares with Applicant the responsibility of the success of the patentability process. As noted in a recent email from USPTO Director Kappos to the examining corps:

One key is to expeditiously identify and resolve issues of patentability—that is getting efficiently to the issues that matter to patentability in each case, and working with applicants to find the patentable subject matter and get it clearly expressed in claims that can be allowed. The examiner and the applicant share the responsibility for the success of this process.

. . . . Let's be clear: patent quality does not equal rejection. In some cases this requires us to reject all the claims when no patentable subject matter has been presented. It is our duty to be candid with the applicant and protect the interests of the public. In other cases this means granting broad claims when they present allowable subject matter. In all cases it means engaging with the applicant to get to the real issues efficiently—what we all know as compact prosecution.

(Internet web site <http://www.patentlyo.com/patent/2009/08/director-kappos-patent-quality-equals-granting-those-claims-the-applicant-is-entitled-to-under-our-laws.html>) (Emphasis added)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Dryja", written over a horizontal line.

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Date

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